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June 1, 2022

Hon. Paul A. Engelmayer

U.S. District Court

40 Foley Sq.

New York, NY 10017

Re: *U.S. v. Jones, et al* {Fuguan Lovick}, 18 Cr 834 (PAE)

Lovick v. U.S., 22 cv 4526

Dear Judge Engelmayer:

I was counsel for Fuguan Lovick in the above referenced criminal matter. In that matter, Mr. Lovick pled guilty to attempted VICAR Assault in violation of 18 U.S.C. §1959(a)(3), and Brandishing a Firearm in violation 18 U.S.C. §924(c)(1)(A)(ii). Thereafter, he was sentenced to a term of eighty-five months incarceration. He is currently serving his sentence.

I submit this letter as a follow up to my letter dated May 9, 2022 filed in the above referenced criminal docket. By the May 9th Letter, I requested leave to be appointed as counsel for the limited purpose of filing a “placeholder” petition on behalf of Mr. Lovick. The purpose of the placeholder petition was to assert a claim for habeas relief based upon the Supreme Court’s recent ruling in *Borden v. U.S.*, 141 S.Ct. 1817 (June 10, 2021). Under AEDPA, the deadline for Mr. Lovick to file his *Borden* habeas claim was June 10, 2022. Due to the close proximity of this deadline, I requested leave to appointed counsel in order to protect Mr. Lovick’s rights by filing the placeholder petition.

Thereafter, Your Honor appointed me as counsel for the limited purposed of filing the placeholder petition. Earlier today, the placeholder petition was filed on behalf of Mr. Lovick (under both of the above referenced dockets).

By this letter, following Your Honor’s review of the placeholder petition, I respectfully request leave to be appointed as counsel for Mr. Lovick for all purposes in the habeas proceeding. I acknowledge that appointment of counsel in a habeas proceeding is discretionary. However, I submit that, due to the recency and complexity of *Borden*, it is in the interest of justice for Mr. Lovick to be represented by counsel in this matter. If this application is granted, I will confer with the Government and submit a jointly proposed briefing schedule.

Respectfully submitted,

/s/

Jeffrey G. Pittell

cc: AUSA of record by ECF

Fuguan Lovick